

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

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SECURITIES AND EXCHANGE )  
COMMISSION, )  
Plaintiff, )  
v. ) Civil Action No. 21-cv-00260  
)  
LBRY, INC., )  
Defendant. )  
)

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**JOINT STATEMENT ON STATUS OF DISCOVERY**

Per the Court's September 7, 2021 Order, plaintiff Securities and Exchange Commission and defendant LBRY, Inc., jointly submit this statement on the status of the parties' discovery efforts. Fact discovery in this matter will conclude on March 4, 2022. At this time, the parties do not request a discovery conference.

The parties are currently engaged in depositions, written discovery, and document production. The parties are also taking discovery from third parties. The parties will meet and confer in good faith prior to each remaining deposition regarding the appropriate method and protocols for conducting each deposition in light of the ongoing COVID-19 pandemic. Further, as reflected in LBRY's November 26, 2021 letter to the Honorable Andrea Johnstone, the parties have an ongoing dispute concerning the SEC's refusal to produce documents in response to certain requests for production issued by LBRY. At the December 10, 2021 discovery status conference, Judge Johnstone advised the parties that the Court would defer further guidance on the parties' dispute concerning LBRY's discovery requests until the Court has ruled on the SEC's pending Motion for Judgment on the Pleadings on LBRY's Affirmative Defense of

Selective Enforcement (“Motion for Judgment on the Pleadings”) (ECF No. 20). Accordingly, LBRY reserves its rights to seek a discovery status conference and/or modification to the Discovery Plan pending the outcome of the Court’s ruling on the Motion for Judgment on the Pleadings.

Dated: January 3, 2022

Respectfully submitted,

**SECURITIES AND EXCHANGE  
COMMISSION**

By its Attorneys,

/s/ Marc Jones

Marc Jones (Mass Bar No. 645910)  
Peter Bryan Moores (Mass Bar No. 658033)  
Eric A. Forni (Mass. Bar No. 669685)  
Senior Enforcement Counsel  
Boston Regional Office  
33 Arch Street  
Boston, MA 02110  
(617) 573-8947 (Jones direct)  
jonesmarc@sec.gov

**LBRY, INC.**

By its Attorneys,

/s/ Keith W. Miller

William E. Christie  
NH Bar #11255  
Shaheen & Gordon, P.A.  
107 Storrs Street  
P.O. Box 2703  
Concord, NH 03302  
(603) 819-4231  
wchristie@shaheengordon.com

Keith W. Miller (pro hac vice)  
KeithMiller@perkinscoie.com  
John T. Dixon (pro hac vice)  
JohnDixon@perkinscoie.com  
Rachel Mechanic (pro hac vice)  
RMechanic@perkinscoie.com  
Perkins Coie LLP  
1155 Avenue of the Americas, 22nd Floor  
New York, New York 10036-2711  
(212) 262-6900

**CERTIFICATE OF SERVICE**

I hereby certify that, on January 3, 2022, I caused true and correct copies of the foregoing to be served on counsel of record for all parties that have appeared to date through the Court's CM/ECF system.

*/s/ Marc Jones* \_\_\_\_\_

Marc Jones